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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,582	08/30/2001	Marina Libman	003636.0067	6396

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/941,582

Applicant(s)

LIBMAN, MARINA

Examiner

Benjamin R. Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-58.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued the rejection and made no amendments further detailing the claims. The examiner is not persuaded by the arguments.

In response, the examiner respectfully submits:

The examiner maintains that the claimed limitations are taught by the cited references Matsumoto in view of Kanevsky. Applicant cites arguments around Matsumoto not teaching voicemail. Matsumoto does not explicitly teach voicemail, but Matsumoto teaches voice data, which perform the functions of voicemail when it is to be retrieved and played. The voice data is still stored and transmitted and as applicant admits 'text data is converted to voice data' (col. 10, lines 12-21). The examiner contends Matsumoto does not teach away from a second real time chat system just because it does not teach a second one or because it does not "monitor" a chat for its content. A phone is a real time chat system. Phone conversations or chats are placed in real time and can be used to hear voice data. The term 'monitor' is not present in the claim limitations and the claims are directed to a one-way conversion from one format to another but does not state in real time. The systems are real time but the process in which the data is converted is not specified in real time. Nor is the idea that applicant is viewing or monitoring these messages in real time. There is no language of viewing or monitoring the claims only converting and storing. It appears the examiner is interpreting 'real-time' in another way. Matsumoto teaches a real time chat system through its irc channel. It stores a conversion between it and another format. Based on applicant's arguments, the examiner questions why someone would need to convert, store and view a chat history in real-time, when a chat history denotes past data not real time data. The Kanevsky reference is relied upon to make the obvious variation of Matsumoto to include a second real time instant messaging chat system that converts between formats. Applicant's arguments about the examiner's rejection as incomplete and based on broad concepts is incorrect. The examiner has cited limitation by limitation prior art data as well as argued the entirety of the references. Applicant's claim language is broad thus leaving it open to broad interpretation. Applicant has not directed the independent claim to any particular formats such as text, image, or any other particular format. Applicant seems to be reading into the claims that the real time chat systems are two ways, something that is not present in the claim language because the claims define a one-way conversion and storage.

Applicant has argued the combination is non-sensical but the examiner has provided motivation to combine the references: in order to connect disparate chat service systems (Kanevsky: page 1, para 11). Applicant has admitted that Kanevsky teaches conversion between a first and second chat system but argues that the conversion is between an instant message AND a chat history. Kanevsky does teach real time instant messages are used and converted (page 1, para 11 and Fig. 3). The Matsumoto teaches the chat history as it is stored and retrieved for replay (col. 2, lines 38-65).